

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
TWI-23910

Total Pages in this Submission

15992 U.S.PTO
021904

10/782321 U.S.PTO
021904

TO THE COMMISSIONER FOR PATENTS
Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

SELF-CALIBRATING BEAM PROFILE ELLIPSOMETER

and invented by:

Haiming Wang, Jeffrey T. Fanton and Lanhua Wei

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. Filing fee as calculated and transmitted as described below
2. Specification having 13 pages and including the following:
 - a. Descriptive Title of the Invention
 - b. Cross References to Related Applications (*if applicable*)
 - c. Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. Background of the Invention
 - f. Brief Summary of the Invention
 - g. Brief Description of the Drawings (*if filed*)
 - h. Detailed Description
 - i. Claim(s) as Classified Below
 - j. Abstract of the Disclosure

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Service" Label No. EV338308341US, postage paid in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 19, 2004.

Dated: 02/19/04 By: Georgia K. Stith
 Name: SPILLMAN & POLLOCK, LLP.

Georgia K. Stith

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Application Elements (Continued)

3. Drawing(s) (*when necessary as prescribed by 35 USC 113*)
 - a. Formal Number of Sheets 1
 - b. Informal Number of Sheets _____
4. Oath or Declaration
 - a. Newly executed (*original or copy*) Unexecuted
 - b. Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
 - c. With Power of Attorney Without Power of Attorney
 - d. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (*usable if Box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. Application Data Sheet (See 37 CFR 1.76)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
 - a. Computer Readable Form (CFR)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(B) Statement (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Certificate of Mailing
 First Class Express Mail (*Specify Label No.*): EV338308341US

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

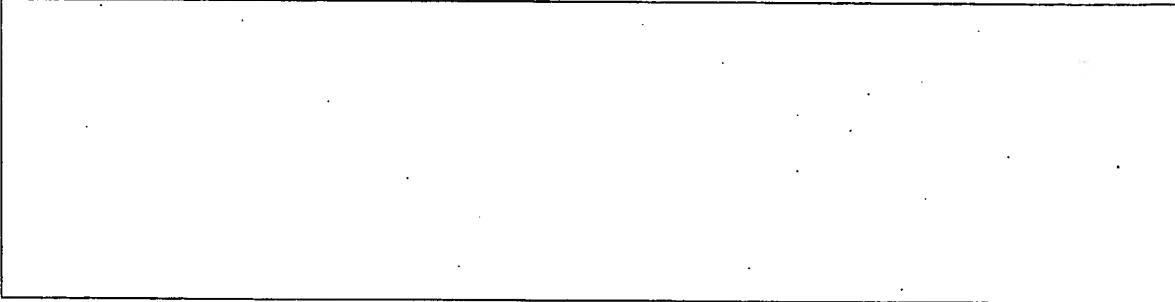
(Only for new nonprovisional applications under 37 CFR 1.53(b))

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TWI-23910

Total Pages in this Submission

Accompanying Application Parts (Continued)

17. Applicant claims small entity status. See 37 CFR 1.27.
 (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. Additional Enclosures (*please identify below*):


Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	4	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				BASIC FEE	\$385.00
OTHER FEE (specify purpose)					\$0.00
				TOTAL FILING FEE	\$385.00

A check in the amount of \$385.00 to cover the filing fee is enclosed.

The Director is hereby authorized to charge and credit Deposit Account No. 50-1703 as described below.

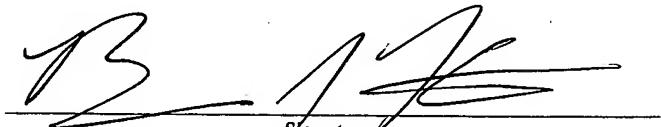
Charge the amount of _____ as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: February 16, 2004



Signature

Brian J. Keating (Reg. No. 39,520)

STALLMAN & POLLOCK LLP
121 Spear Street, Suite 290
San Francisco, CA 94105

Telephone: (415) 512-1312
Facsimile: (415) 512-1362

CC:

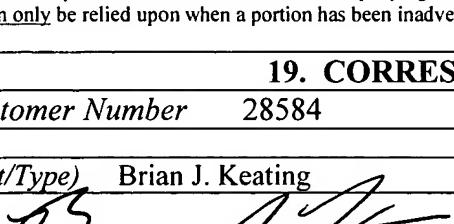
UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	<i>Attorney Docket No.</i> TWI-23910 <i>First Inventor</i> Haiming Wang et al. <i>Title</i> SELF-CALIBRATING BEAM PROFILE ELLIPSOMETER <i>Express Mail Label No.</i> EV338308341US
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EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Service" Label No. EV338308341US postage paid in an envelope addressed to M/S Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 19, 2004.

Dated: February 19, 2004

By: Georgia K. Stith
Georgia K. Stith

Application Elements		ADDRESS TO:	M/S PATENT APPLICATION	
See MPEP chapter 600 concerning utility patent application contents.				
1. <input type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB17) <i>(Submit an original and a duplicate for fee processing)</i>	5. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages <u>2</u>] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed Statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)			
2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76			
3. <input checked="" type="checkbox"/> Specification [Total Pages <u>13</u>] <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings <i>(if filed)</i> - Detailed Description - Claim(s) - Abstract of the Disclosure	7. <input type="checkbox"/> CD ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i>			
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>1</u>]	8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CFR) b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies			
ACCOMPANYING APPLICATION PARTS				
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>			
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement	<input type="checkbox"/> Power of Attorney	15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(If foreign priority is claimed)</i>		
<i>(when there is an assignee)</i>		16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.		
11. <input type="checkbox"/> English Translation Documents <i>(if applicable)</i>	17. <input type="checkbox"/> Other. _____			
12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input type="checkbox"/> Copies of IDS Citations			
13. <input type="checkbox"/> Preliminary Amendment				
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior Application No.: _____ <i>Prior application information: Examiner: _____ Group/Art Unit: _____</i>				
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.				
19. CORRESPONDENCE ADDRESS				
<input checked="" type="checkbox"/> Customer Number 28584		or <input type="checkbox"/> Correspondence address below		
Name <i>(Print/Type)</i> Brian J. Keating		Registration No. (Attorney/Agent) 39,520		
Signature: 		Date: February 18, 2004		
Firm Name: Stallman & Pollock LLP				